Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1766 (2006)[1]

Ratification of the Framework Convention for the Protection of National Minorities by the member States of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly recalls its Recommendation 1492 (2001) and Recommendation 1623 (2003), both concerning the rights of national minorities, and pays tribute to the fundamental role which the Framework Convention for the Protection of National Minorities (ETS No. 157) (hereafter the "Framework Convention") has played over the past eight years in improving the protection of national minorities in Europe and promoting their rights.

2. To date, four states – Belgium, Greece, Iceland and Luxembourg – have signed the Framework Convention but have still not ratified it, and four others – Andorra, France, Monaco and Turkey – have neither signed nor ratified it. The Assembly recalls that already in Recommendation 1492 (2001), it called upon the above-mentioned states to sign and/or ratify, as soon as possible, without reservations or declarations, the Framework Convention. It deplores the derisory progress that has been made with regard to ratification since the adoption of its last recommendation in 2003, as only three new ratifications – by the Netherlands, Latvia and Georgia – have been recorded.

3. Considering that the protection of minorities is essential to the preservation of social and political stability, democratic security, the prevention of social tensions and the promotion of the diversity of cultures and languages in Europe, as well as the guarantee of full and effective equality of all people, the Assembly once again reiterates its appeal to all the member states to respond positively to the needs of national minorities and to safeguard their rights, in particular as set forth in the Framework Convention.

4. It is important to recall in this context that the principle of equality and non-discrimination constitutes a fundamental human right. The Assembly is surprised that only 14 states have ratified Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) and 21 have signed it.

5. The Assembly notes that Andorra, Belgium, France, Greece, Iceland, Monaco and Turkey persist in their refusal to sign or ratify the Framework Convention, on the grounds that they respect the principle of non-discrimination in their domestic law. It is therefore surprised that they are still not parties to Protocol No. 12 and would regard the ratification of this instrument by these seven states as evidence of their desire to match their deeds to their words, and thus ensure effective protection for the rights of persons belonging to national minorities or to minority groups under the authority of the European Court of Human Rights.

6. The Assembly welcomes the fact that its Recommendation 1623 (2003) calling for the reinstatement of the Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN) has been followed by the Committee of Ministers and underlines the important part which the DH-MIN plays in promoting the existing instruments.

---

1. *Assembly debate* on 4 October 2006 (27th Sitting) (see Doc. 10961, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Cilevičs). *Text adopted by the Assembly* on 4 October 2006 (27th Sitting).

7. Consequently, the Assembly recommends that the Committee of Ministers continue its efforts, in order to encourage:

7.1. those member states which have not yet done so to sign and ratify the Framework Convention, without reservations or restrictive declarations;

7.2. those member states which have signed but not yet ratified the Framework Convention to ratify this instrument, without reservations or restrictive declarations;

7.3. those states parties which have ratified the Framework Convention while entering restrictive declarations or reservations to withdraw the latter.

8. It also requests the Committee of Ministers to continue its efforts to encourage the speedy ratification of Protocol No. 12 to the European Convention on Human Rights by those states which are not yet parties to it.

9. The Assembly also requests the Committee of Ministers to revisit the Framework Convention and initiate, where appropriate, the proper procedure to review it in the light of experience gathered in its application, in order to:

9.1. clarify the reasons why some member states have not signed or ratified it or have ratified it with reservations or restrictive declarations;

9.2. make it more legally coherent and responsive to the actual European challenges by, inter alia, balancing the rights of minorities with their obligations as well as with the protection of cultural diversity, the consolidation of intercultural solidarity, social cohesion and the civil nation’s unity.